

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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HEARING IMPAIRED: (415) 904-5200



# W7b

August 19, 2004

**TO:** Commissioners and Interested Parties

**FROM:** Diane Landry, District Manager  
Mike Watson, Coastal Planner

**SUBJECT:** **CITY OF PISMO BEACH LCP AMENDMENT NO. PSB-MAJ-1-04 PART 1 CERTIFICATION REVIEW:** Concurrence with the Executive Director's determination that the action of Pismo Beach accepting the Commission's certification of LCP Amendment No. PSB-MAJ-1-04 is legally adequate. For Commission review at the meeting of September 8, 2004 in Eureka.

## **A. BACKGROUND**

The Commission acted on Part 1 of Pismo Beach LCP Amendment No. PSB-MAJ-1-04 on May 12, 2004. The amendment revised the LCP's Implementation Plan to implement AB 1866 changes to the process for reviewing second unit applications. Most significantly, AB 1866 requires that second unit applications in residentially designated areas received after July 1, 2003 be considered by local governments "ministerially without discretionary review or a hearing." The restriction on public hearings does not extend to the Coastal Commission.

The amendment establishes secondary dwelling units as a permitted use in all residential zone districts, defines development standards, amends public hearing requirements, and includes parameters for appealable versus non-appealable second units. The amendment also includes amending language to "grandfather" existing secondary dwelling units that meet Uniform Building Code standards. The Commission rejected the amendment as submitted, but certified the proposed amendment if modified to address public service capacities and ensure that development of second units takes place consistent with the City's certified Local Coastal Program.

## **B. EFFECTIVE CERTIFICATION**

On June 14, 2004, the City of Pismo Beach acknowledged receipt of the Commission's resolution of certification and accepted and agreed to the Coastal Commission's modifications (see Exhibit A). As provided in Sections 13544 and 13544.5 of the California Code of



**California Coastal Commission**  
**September 8, 2004 Meeting in Eureka**

Staff: MW Approved by:

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Regulations, for the amendment to become effective, the Executive Director must determine that the City's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of Pismo Beach LCP Amendment No. PSB-MAJ-1-04 Part 1 shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

**C. STAFF RECOMMENDATION**

Staff recommends that the Commission concur with the determination of the Executive Director that the action of Pismo Beach accepting the Commission's certification of Pismo Beach LCP Amendment No. PSB-MAJ-1-04 Part 1 is legally adequate, as noted in the attached letter (Exhibit B), to be sent after Commission concurrence.

